IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 536/1998

GEETA DEVI Vs. THE STATE OF RAJASTHAN & ORS.

Date: 15.12.2006.

HON'BLE MR. K.S. RATHORE, J.

Mr. C.P. Sharma for the petitioner.
Mr. R.S. Rathore, AAG for the State.

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The present writ petition has been preferred by the petitioner seeking two reliefs; first as the petitioner's husband Shri Narendra Singh died while in service, therefore, being his widow she is entitled to get the employment under the Dying While in Service Rules, and second relief is with regard to release family pension.

So far as the employment of the petitioner on compassionate ground is concerned, since the petitioner's husband died in the year 1995, therefore as per the ratio decided by the Hon'ble Supreme Court in the case of ***"Umesh Kumar Nagpal Vs. State of Haryana & Others" reported in 1994(4) SCC 138,*** after such belated stage, no such direction for appointment on compassionate ground can be given. Therefore, the

relief claim by the petitioner so far as appointment on compassionate ground is concerned, stands rejected.

As regards second prayer made by the petitioner to release family pension, this fact is controverted by the petitioner that the husband of the petitioner has not completed 10 years of requisite satisfactory service, on the contrary the petitioner submits that her husband was initially appointed in the department on 01.07.1984 and expired on 15.08.95 and thus, as per the averments made on behalf of the petitioner, the petitioner's husband rendered requisite service.

Learned counsel for the petitioner placed reliance on the judgment rendered by this Court in the case of ***Kiran Devi Vs. State of Raj. & Ors., decided on 20.05.2004 and reported in 2004(5) WLC(Raj.) 22,*** wherein directions for reconsideration has been issued for pension.

In the light of the ratio decided by this Court in the case of ***Kiran Devi (supra),*** here in the instant case the husband of the petitioner Shri Narendra Singh was also working as work charge employee and was initially appointed as Cattle Guard on 01.07.84 and was given semi permanent status w.e.f. 01.04.87. Therefore, the services rendered by the petitioner should be taken into account.

Thus, I deem it proper to direct the respondents to consider the case of the petitioner as per the provisions of Rules 3(2) and 22(6) of the Work Charged Employees Service Rules. After considering the case of the petitioner, if the petitioner is found entitled for family pension, the same may be allowed to her.

With these observations, the writ petition stands disposed of.

(K.S. RATHORE),J.

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